IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7728 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

BALKRISHNA DAYALJI GORKHIYA - Respondent(s)

==========

Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.

MR JIGAR P RAVAL for Respondent No(s).: 1.

MR GK RATHOD for Respondent No(s).: 1.

==========

CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 02/08/2005

ORAL JUDGMENT

.

1. This petition is directed against the judgment and award dated 13th January, 1999 passed by the Labour Court, Nadiad in Reference [L.C.N.] No. 161 of 1997 whereby the Labour Court has directed the petitioner

Corporation to reinstate the respondent on his original post without back wages and further imposed a penalty of stoppage of two increments with permanent effect.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. On 10th October, 1994 when the respondent was on duty, the bus was checked by the checking squad of the petitioner Corporation and the squad found certain irregularities in the collection of fares from the passengers. Therefore, charge sheet was issued and departmental inquiry was initiated against him. Since the charges levelled against the respondent was proved, he was dismissed from the service w.e.f. 27th December, 1995.

2.1. Being aggrieved by the dismissal order, the respondent raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties and have perused the materials produced on record.

However, the Labour Court while exercising powers under Section 11(A) of the Industrial Disputes Act, 1947 has substituted the dismissal order into a penalty of stoppage of two increments with permanent effect. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court and find no reason to interfere in this petition.

4. In the result, the petition is dismissed. The impugned award passed by the Labour Court is confirmed. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

/phalguni/